

Appendix G

Regulation Chapter Name: Home and Community-Based Options Waiver Assisted Living Facilities, Medical Day Care Centers, Senior Center Plus						
Reference: COMAR 10.09.54						
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.09.54.*						
Service Setting Applicable to the following settings: , Medical Day Care, Senior Center Plus						
#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1a	1915c: §441.301(c)(4)(i) 1915i: §441.710(a)(1)(i) 1915k: §441.530(a)(1)(i) The setting is integrated in the greater community	X			COMAR 10.09.84.02- (9) “Community setting” is the area, district, locality, neighborhood, or vicinity where a group of people live. (a) A community setting provides participants with opportunities to: (i) Seek employment and work in competitive integrated settings; (ii) Engage in community life; (iii) Control personal resources; and (iv) Receive services.	
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			COMAR 10.09.84.02- (9) “Community setting” is the area, district, locality, neighborhood, or vicinity where a group of people live. (a) A community setting provides participants with opportunities to: (i) Seek employment and work in competitive integrated settings; (ii) Engage in community life; (iii) Control personal resources; and (iv) Receive services. COMAR 10.09.84.16- B. Consumer training includes instruction and skill building in such areas including, but not limited to, acquisition, maintenance, and enhancement of skills necessary for the participant to accomplish ADLs and IADLs.	

Service Setting
Applicable to the following settings: , Medical Day Care, Senior Center Plus

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			Self-direction training (POS Development Manual, online Resource Guide)-focus on enhancing skills necessary for self-direction, such as time and money management, communication skills, listening skills, boundaries, assertiveness, self-advocacy, organization, responsibility, administrative skills, giving clear direction and flexibility.	
1c	The setting supports opportunities to seek employment and work in competitive integrated settings	X			<p>COMAR 10.09.84.02- (9) “Community setting” is the area, district, locality, neighborhood, or vicinity where a group of people live. (a) A community setting provides participants with opportunities to: (i) Seek employment and work in competitive integrated settings; (ii) Engage in community life; (iii) Control personal resources; and (iv) Receive services.</p> <p>COMAR 10.09.84.16- B. Consumer training includes instruction and skill building in such areas including, but not limited to, acquisition, maintenance, and enhancement of skills necessary for the participant to accomplish ADLs and IADLs.</p> <p>Self-direction training (POS Development Manual, online Resource Guide)-focus on enhancing skills necessary for self-direction, such as time and money management, communication skills, listening skills, boundaries, assertiveness, self-advocacy, organization, responsibility, administrative skills, giving clear direction and flexibility.</p>	

Service Setting
Applicable to the following settings: , Medical Day Care, Senior Center Plus

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1d	The setting supports individuals to engage in community life	X			<p>COMAR 10.09.84.02- (9) “Community setting” is the area, district, locality, neighborhood, or vicinity where a group of people live.</p> <p>(a) A community setting provides participants with opportunities to:</p> <p>(i) Seek employment and work in competitive integrated settings;</p> <p>(ii) Engage in community life;</p> <p>(iii) Control personal resources; and</p> <p>(iv) Receive services.</p> <p>Self-direction training (POS Development Manual, online Resource Guide)-focus on enhancing skills necessary for self-direction, such as time and money management, communication skills, listening skills, boundaries, assertiveness, self-advocacy, organization, responsibility, administrative skills, giving clear direction and flexibility.</p>	
1e	The setting supports individuals to control personal resources	X			<p>COMAR 10.09.84.02- (9) “Community setting” is the area, district, locality, neighborhood, or vicinity where a group of people live.</p> <p>(a) A community setting provides participants with opportunities to:</p> <p>(i) Seek employment and work in competitive integrated settings;</p> <p>(ii) Engage in community life;</p> <p>(iii) Control personal resources; and</p> <p>(iv) Receive services.</p> <p>COMAR 10.09.84.16- B. Consumer training includes instruction and skill building in such areas including, but not limited to, acquisition, maintenance, and enhancement of skills necessary for the participant to accomplish ADLs and IADLs.</p>	

Service Setting
Applicable to the following settings: , Medical Day Care, Senior Center Plus

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1e	The setting supports individuals to control personal resources	X			Self-direction training (POS Development Manual, online Resource Guide)-focus on enhancing skills necessary for self-direction, such as time and money management, communication skills, listening skills, boundaries, assertiveness, self-advocacy, organization, responsibility, administrative skills, giving clear direction and flexibility.	
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS	X			COMAR 10.09.84.02- (9) “Community setting” is the area, district, locality, neighborhood, or vicinity where a group of people live. (a) A community setting provides participants with opportunities to: (i) Seek employment and work in competitive integrated settings; (ii) Engage in community life; (iii) Control personal resources; and (iv) Receive services.	
2a	1915c: §441.301(c)(4)(ii) 1915i: §441.710(a)(1)(ii) 1915k: §441.530(a)(1)(ii) The setting is selected by the individual from among setting options including non-disability specific settings			X	COMAR 10.09.54.03- (4) Has an active plan of service that: (a) Is based on: (i) The assessment and recommended plan of care; and (ii) Consultation with the applicant or participant; (b) Addresses the applicant’s or participant’s needs; (c) Specifies the names of service providers; SPA solicitation 2014-freedom of choice.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting						
Applicable to the following settings: , Medical Day Care, Senior Center Plus						
#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2b	The setting options are identified and documented in the person-centered service plan	X			COMAR 10.09.54.03- (4) Has an active plan of service that: (a) Is based on: (i) The assessment and recommended plan of care; and (ii) Consultation with the applicant or participant; (b) Addresses the applicant's or participant's needs; (c) Specifies the names of service providers; SPA solicitation 2014-freedom of choice.	
2c	The settings options are based on the individual's needs and preferences	X			COMAR 10.09.54.03- (4) Has an active plan of service that: (a) Is based on: (i) The assessment and recommended plan of care; and (ii) Consultation with the applicant or participant; (b) Addresses the applicant's or participant's needs; (c) Specifies the names of service providers; SPA solicitation 2014-freedom of choice.	
3a	1915c: 441.301(c)(4)(iii) 1915i: §441.710(a)(1)(iii) 1915k: §441.530(a)(1)(iii) The settings ensures an individual's rights of privacy	X			Documented in LTSS tracking system on the plan of service.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3b	The settings ensure dignity and respect	X			Documented in LTSS tracking system on the plan of service.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
3c	The settings ensure freedom from coercion	X			Documented in LTSS tracking system on the plan of service.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3d	The settings ensure freedom from restraint	X			Documented in LTSS tracking system on the plan of service.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4a	1915c: 441.301(c)(4)(iv) 1915i: §441.710(a)(1)(iv) 1915k: §441.530(a)(1)(iv) The settings optimize, but do not regiment, individual initiative, autonomy	X			SPA Solicitation 2014- 3.3 Self-Direction; 3.4 Services to Applicants	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here . The 2017 version can be found by clicking here

Service Setting
Applicable to the following settings:, Medical Day Care, Senior Center Plus

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4b	The settings optimize independence in making life choices	X			SPA Solicitation 2014- 3.3 Self-Direction; 3.4 Services to Applicants	<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here. The 2017 version can be found by clicking here</p>
4c	The settings optimize independence in daily activities	X			SPA Solicitation 2014- 3.3 Self-Direction; 3.4 Services to Applicants	<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here. The 2017 version can be found by clicking here</p>

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Applicable to the following settings:, Medical Day Care, Senior Center Plus

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4d	The settings optimize independence in the physical environment	X			SPA Solicitation 2014- 3.3 Self-Direction; 3.4 Services to Applicants	<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here. The 2017 version can be found by clicking here</p>
4e	The settings optimize independence with whom to interact.	X			SPA Solicitation 2014- 3.3 Self-Direction; 3.4 Services to Applicants	<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here. The 2017 version can be found by clicking here</p>

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		Compliant	Noncompliant	Absent		
5a	1915c: §441.301(c)(4)(v) 1915i: §441.710(a)(1)(v) 1915k: §441.530(a)(1)(v) The settings facilitate individual choice regarding services and supports	X			SPA Solicitation 2014- 3.3 Self-Direction CFC Questionnaire-LTSS tracking system	The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here . The 2017 version can be found by clicking here
5b	The settings facilitate who provides services and supports	X			SPA Solicitation 2014- 3.3 Self-Direction CFC Questionnaire-LTSS tracking system	The Department is proposing regulation changes to COMAR 10.09.36 : General Medical Assistance Provider Participation Criteria The SPA Solicitation 2014-3.3 Self Direction has two versions. This tool is used to measure compliance. The 2014 version can be found by clicking here . The 2017 version can be found by clicking here

Residential Services - Provider Owned or Controlled Settings
Applicable to the following settings: Assisted Living Facility

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	1915c: §441.301(c)(4)(vi) 1915i: §441.710(a)(1)(vi) 1915k: §441.530(a)(1)(vi) (A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services			X	COMAR 10.09.54.01- (9) “Home” means the participant's place of residence in a community setting. (a) “Community setting” means the area, district, locality, neighborhood, or vicinity where a group of people live which provides participants with opportunities to: (i) Seek employment and work in competitive integrated settings; (ii) Engage in community life; (iii) Control personal resources; and (iv) Receive services. COMAR 10.09.54.03- (7) Resides in a home	The Department has systems in place to track and monitor compliance. LTSS and POS are the tools we use to measure compliance. This remediation will fall under 10.09.36. The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(2)	The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(3)	For settings in which landlord tenant laws do not apply, the State ensures that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(4)	The State ensures that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6b	(B) Each individual has privacy in their sleeping or living unit			X		The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here
6b(1)	Units have entrance doors lockable by the individual			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
6b(2)	Only appropriate staff have keys to the lockable entrance doors			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6c(1)	(C) Individuals have the freedom and support to control their own schedules			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
6c(2)	Individuals have the freedom and support to control their own activities			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
6c(3)	Individuals have the freedom to access food at any time			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

Residential Services - Provider Owned or Controlled Settings
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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6d	(D) Individuals are able to have visitors of their choosing at any time			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
6e	(E) The setting is physically accessible to the individual			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

Residential Services - Provider Owned or Controlled Settings
Applicable to the following settings: Assisted Living Facility

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6f	(F) Individuals sharing units have a choice of roommates in that setting			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
6g	(G) Individuals have freedom to furnish and decorate their sleeping units or living units within the lease or other agreement			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
	1915c: §441.301 1915i: §441.710 1915k: §441.530					
7	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:					
7a	*Identify a specific and individualized assessed need.			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7c	*Document less intrusive methods of meeting the need that have been tried but did not work.			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
7d	*Include a clear description of the condition that is directly proportionate to the specific assessed need.			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p> <p>The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here</p>
7e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p>

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.			X		The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here
7f	*Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here
7g	*Include informed consent of the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7h	*Include an assurance that interventions and supports will cause no harm to the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria The Department monitors compliance of this item with the CSQ which is updated annually or when there are changes to services The CSQ can be found by clicking here